



Petition To Revive Under 37 CFR 1.137 [a]

9/02/2004 WABDELRI 00000018 10035472

1 FC:2251	55.00 OP
2 FC:2452	55.00 OP

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April 6, 2004

Ms. Loretta S. Broshears
622 W. Franklin Street
Quincy, Florida 32351

Re: U.S. Patent Application S. N. 10/035,472
Title: TRACH SENSORY ALERT SYSTEM
Our File: 10464.000[BROSHEARS]

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Dear Ms. Broshears:

This is to inform you that because of severe health problems Mr. Joseph N. Breaux has been placed on Voluntary Inactive Status by the Louisiana Supreme Court and at this time is no longer authorized to practice law in the State of Louisiana. For the same health reasons Mr. Breaux has requested that his name be removed from the roles of attorneys authorized to practice before the U.S. Patent & Trademark Office. As a result of these actions Mr. Breaux is no longer able to practice law and can not represent you before the U.S. Patent & Trademark Office.

I am the court appointed curator of the client files of Joseph N. Breaux. Pursuant to this appointment I have obtained possession of the files in which Mr. Breaux was providing legal services to you. No review has been made of the files to determine what, if any, action is now required. However, it is noted that a First Office Action was mailed to Mr. Breaux on September 25, 2003. Although your patent application has become abandoned, it may be possible to revive your patent application. For this reason it is important that you obtain new counsel to represent you in this matter.

If you wish our office to review your files and advise you what action, if any, is needed, then it would be necessary to retain me for that purpose. We will charge a flat fee of \$250.00 to make this review. If you wish to do so, please contact me. However, if you prefer to retain other counsel or simply prefer that your files be returned to you, then confirm in writing to whom and where the files are to be mailed.

Very truly yours,


William David Kiesel

WDK:arj

Enclosures: Court Orders



Notice of Abandonment

Application No.	Applicant(s)	
10/035,472	BROSHEARS, LORETTA S.	
Examiner	Art Unit	
David J. McCrosky	3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 25 September 2003.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

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ERIC F. WINAKUR
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



This is regarding application # 10/035,472

Attention Petition Office

David McCrosky

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